

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

_____)	
WYETH,)	
)	
Plaintiff,)	
)	
v.)	C. A. No. 06-222 (JJF)
)	
IMPAX LABORATORIES, INC.,)	
)	
Defendant.)	
_____)	

STIPULATION REGARDING JURY DEMAND AND WILLFUL INFRINGEMENT

IT IS HEREBY STIPULATED by the parties, subject to the approval of the Court, as follows:

1. Impax Laboratories, Inc. ("Impax") hereby withdraws its jury demand, but expressly reserves the right to reinstitute that demand should Wyeth decide in the future to amend its pleadings to add a claim for damages.
2. Wyeth does not waive its right to contest any jury demand that Impax may make in the future.
3. Wyeth hereby withdraws its claim of willful infringement of the patents-in-suit, with the express understanding that Wyeth does not withdraw its claim that this case is exceptional, entitling Wyeth to attorneys fees and costs, and with the express understanding that Wyeth will seek discovery with respect to its claim that this case is exceptional.
4. Impax does not waive its right to contest the scope of discovery Wyeth is entitled to in support of its claim under 35 U.S.C. § 285.

MORRIS, NICHOLS, ARSHT & TUNNELL LLP

MORRIS, JAMES, HITCHENS & WILLIAMS

/s/ Karen Jacobs Louden

/s/ Mary B. Matterer

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Dated: July 12, 2006

SO ORDERED this ____ day of July, 2006.

United States District Court Judge